

19870609

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF

TUESDAY, JUNE 9, 1987

AT 9:00 A.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:19 a.m. The meeting was recessed by Mayor O'Connor at 12:09 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:09 p.m. with no quorum present. Council Members Wolfsheimer, Cleator, McColl, Jones, McCarty and Ballesteros were not present. The meeting was reconvened by Mayor O'Connor at 2:11 p.m. with Council Members Cleator, McColl, Jones, and Ballesteros not present. Mayor O'Connor adjourned the meeting at 2:20 p.m. into closed session in the twelfth floor conference room to discuss meet and confer matters.

The San Diego Redevelopment Agency and Committee of the Whole were to convene after closed session.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Cleator-excused by R-268518
(vacation)
 - (3) Council Member McColl-present
 - (4) Council Member Jones-present
 - (5) Council Member Struiksma-present
 - (6) Council Member Gotch-present
 - (7) Council Member McCarty-present
 - (8) Council Member Ballesteros-present
- Clerk-Abdelnour (eb,bb)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Cleator-not present
- (3) Council Member McColl-present
- (4) Council Member Jones-present
- (5) Council Member Struiksma-present

- (6) Council Member Gotch-present
- (7) Council Member McCarty-present
- (8) Council Member Ballesteros-present

ITEM-310: RECOGNIZED AND WELCOMED BY COUNCIL

Recognizing Narendra N. Gunaji, the United States
Commissioner to the International Boundary and Water
Commission.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D018-045.)

ITEM-330:

Two actions relative to the Bluebird Canyon Assessment
District (1913 Improvement Act):
(La Jolla Community Area. District-1.)

Subitem-A: (R-87-2498) ADOPTED AS RESOLUTION R-268548

Adoption of a Resolution making findings and overruling
protests and objections, confirming the diagram and
assessment, ordering acquisition, and ordering City
contribution in the matter of the Bluebird Canyon
Assessment District.

Subitem-B: (R-87-2499) ADOPTED AS RESOLUTION R-268549

Adoption of a Resolution awarding the sale bond.

FILE LOCATION: STRT D-2261

COUNCIL ACTION: (Tape location: A050-B514.)

Hearing began 10:23 a.m. and halted 11:36 a.m.

Testimony in opposition by Terry Knoepp, Jack Ottestad, Harvey
Levine, and Alden Barrios.

Testimony in favor by Louise Arnold, John Thelan, Tom Shadek,
Allan Johnson, Jared Shutz, Thomas Carlin, Marion Bissell,
Marilies Schoepflin, Anthony Lopez, Patrick Kruer, and Rose
Marie Fox Lopez.

MOTION BY WOLFSHEIMER TO ADOPT AND DECLARE COUNCIL'S INTENT UPON
ACQUISITION OF THE LAND THAT IT BE DESIGNATED AND DEDICATED AS
NATURAL OPEN SPACE, AND DIRECT THE CITY MANAGER TO INCLUDE IN
THE FORTHCOMING ORDINANCE THAT IF THE CITY IS TO RETAIN TITLE OF
THE LAND, THAT IT BE DESIGNATED AND DEDICATED PERMANENTLY AS
OPEN SPACE AND TO REVIEW A METHOD OF LIMITING LIABILITY. Second
by Jones. Passed by the following vote: Wolfsheimer-yea,
Cleator-not present, McColl-yea, Jones-yea, Struiksmay-yea,
Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-331:

A proposal to amend the Mission Valley Development Intensity Regulatory Overlay District Ordinance (O-16460 NS) and the Mission Valley Community Plan to revise the trip generation rates for hotel, rental storage, and some commercial uses to bring them into conformance with the trip generation rates currently used by the Engineering and Development Department throughout the City.
(District-5.)

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Subitem-A: (R-87-2427) ADOPTED AS RESOLUTION R-268550

Adoption of a Resolution certifying that the information contained in the Addendum to Environmental Impact Report EIR-84-0194 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said Addendum to Report has been reviewed and considered by the Council.

Subitem-B: (O-87-216) INTRODUCED, TO BE ADOPTED JUNE 22, 1987

Introduction of an Ordinance amending Ordinance No. O-16460 NS.

Subitem-C: (R-87-2426) ADOPTED AS RESOLUTION R-268551

Adoption of a Resolution approving the Mission Valley Community Plan amendment.

Subitem-D: (R-87-2663) ADOPTED AS RESOLUTION R-268552

Adoption of a Resolution containing appropriate findings of mitigation, feasibility or project alternatives pursuant to California Public Resources Code Section 21081 in connection with the Addendum to Environmental Impact Report EIR-84-0194.

FILE LOCATION:

Subitems-A, C, and D LAND Mission Valley
Community Plan

COUNCIL ACTION: (Tape location: B523-C110.)

Hearing began 11:37 a.m. and halted 11:50 a.m.

MOTION BY STRUIKSMA TO ADOPT SUBITEMS A, C, D AND INTRODUCE B AND DIRECT CITY MANAGER AND PLANNING DEPARTMENT TO DO A TRAFFIC ANALYSIS FOR THE PROPERTY ON THE NORTH SIDE OF FRIARS ROAD IN

THE VICINITY OF FASHION VALLEY AND REPORT BACK TO COUNCIL.

Second by Jones. Passed by the following vote:

Wolfsheimer-nay, Cleator-not present, McColl-yea, Jones-yea,
Struiksma-yea, Gotch-yea, McCarty-nay, Ballesteros-not present,
Mayor O'Connor-yea.

ITEM-332: CONTINUED TO JULY 14, 1987, 10:00 A.M.

(Continued from the meeting of May 26, 1987, Item 334, at
Alan Perry's request.)

Appeal of Rancho Penasquitos Planning Board, by Barbara
Fisher, from the decision of the Planning Commission in
approving an extension of time for Tentative Map TM-86-0929
(Penasquitos Park View Estates, Unit 14), proposing a
subdivision of 187 lots for residential development. The
subject property (a 60.96-acre site), is located on the
west side of Camino Ruiz, northerly of Park Village Road,
in Zone A-1-10 (HRO) (proposed Zone R1-5000 (HRO), and is
further described as a portion of Rancho de los
Penasquitos, in the Penasquitos East Community Plan area.
(TM-86-0929. District-1.)

Subitem-A: (R-87-)

Adoption of a Resolution certifying that the information
contained in Environmental Impact Report EIR-80-11-13 has
been completed in compliance with the California
Environmental Quality Act of 1970 and State guidelines, and
that said report has been reviewed and considered by the
Council.

Subitem-B: (R-87-)

Adoption of a Resolution granting the appeal and denying
the extension of time for the map, or denying the appeal
and granting the extension of time for the map, with
appropriate findings to support Council action.

Subitem-C: (R-87-)

Adoption of a Resolution containing appropriate findings of
mitigation, feasibility or project alternatives pursuant to
California Public Resources Code Section 21081 in
connection with Environmental Impact Report EIR-80-11-13.

FILE LOCATION: SUBD Penasquitos Park View Estates, Unit 14

COUNCIL ACTION: (Tape location: A035-050.)

MOTION BY WOLFSHEIMER TO CONTINUE TO JULY 14, 1987, 10:00 A.M.

AT THE REQUEST OF RANCHO DE LAS PENASQUITOS PLANNING BOARD TO

ALLOW THE BOARD TO REVIEW AN UPDATED PRESENTATION OF THE PARK VIEW ESTATES UNIT 14. Second by Jones. Passed by the following vote: Wolfsheimer-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-333:

Two actions relative to the Sorrento Valley Road condemnation:

(See City Manager Report CMR-87-266. Sorrento Valley Community Area. District-1.)

Subitem-A: (R-87-1073) ADOPTED AS RESOLUTION R-268553
FINDINGS MUST BE MADE AS A PART OF COUNCIL ADOPTION

Determining and declaring that the public interest, convenience and necessity, require the construction, operation and maintenance of public street and incidents thereto, together with earth excavations or embankments, slope or slope easements, storm drain or drainage easements and incidents thereto, and an access easements and incidents thereto, in a portion of those certain lands designated as Depot Grounds as shown on map of Town of Sorrento, Map-362, and a portion of Lot 3, Torrey Knolls Park, in the City of San Diego; and that the public interest, convenience and necessity demand the acquisition of said property interests for said construction, operation and maintenance of a public street and incidents thereto, together with earth excavations or embankments, slope or slope easements, storm drain or drainage easements and incidents thereto, and an access easement and incidents thereto; and declaring the intention of the City of San Diego to acquire said property and easements under eminent domain proceedings; and directing the City Attorney of the City of San Diego to commence an action in the Superior Court of the State of California, in and for the County of San Diego, for the purpose of condemning and acquiring said property interest and easements and acquiring immediate possession thereto.

Subitem-B: (R-87-1068) ADOPTED AS RESOLUTION R-268554

Certifying that the information contained in Environmental Negative Declaration END-82-0689, issued in connection with a condemnation action to acquire property interests for right-of-way required for the widening of Sorrento Valley

Road, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines thereto, and that said Report has been reviewed and considered by the Council.

Aud. Cert. 8700923.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C110-134.)

Hearing began 11:50 a.m. and halted 11:52 a.m.

MOTION BY STRUIKSMA TO ADOPT. Second by Gotch. Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-yea.

ITEM-334:

Two actions relative to administrative abatement of properties at 233 South 32nd Street and 6365 Shaules Avenue:

(Southeast San Diego Community Area. District-4.)

Subitem-A: (R-87-2416) ADOPTED AS RESOLUTION R-268555

Confirming the cost of abatement of the property at 6365 Shaules Avenue at \$3,050 and a special assessment in the amount of \$3,050 be levied against the property; authorizing the City Manager to collect this special assessment and provide proper documentation to the County Auditor before July 1, 1987, to incorporate this assessment on the municipal tax bill for this property to be collected in the same manner as ordinary municipal taxes, pursuant to Government Code Sections 38773 and 38773.5.

Subitem-B: (R-87-2415) ADOPTED AS RESOLUTION R-268556

Confirming the cost of abatement of the property at 233 South 32nd Street at \$3,100 and a special assessment in the amount of \$3,100 be levied against the property; authorizing the City Manager to collect this special assessment and provide proper documentation to the County Auditor before July 1, 1987, to incorporate this assessment on the municipal tax bill for this property to be collected in the same manner as ordinary municipal taxes, pursuant to Government Code Sections 38773 and 38773.5.

CITY MANAGER REPORT: On April 28, 1986 the City Council authorized the City Manager to administratively abate, by demolition, the residence located at 233 South 32nd Street (Resolution R-265575). On June 23, 1986 the same authorization

was granted for residences located at 6365 Shaules Avenue and 1986-88 Harrison Avenue (Resolutions R-266066 and R-266067). Demolition work at these three properties has been completed and the contractors have been paid out of the Building Inspection Department's Enterprise Fund as previously authorized. Shortly after demolition, the Harrison Avenue property was sold and the new owner reimbursed the City for the work done; therefore, no further action is needed. A record of demolition and related administrative costs is hereby transmitted for confirmation by Council and for authorization to levy these costs as special assessments:

	233 South 32nd Street	6365 Shaules Avenue
Demolition	\$2,500	\$2,600
Administrative Costs		
(litigation guarantee)	600	450
Total to be assessed	\$3,100	\$3,050

Upon authorization by the City Council, attempts will be made to collect the amounts owed through a billing process. If that is not successful, the County Auditor will be notified to place the assessment on the tax roll and it will be collected in the same manner as municipal property taxes and then reimbursed to the City.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C135-139.)

Hearing began 11:52 a.m. and halted 11:53 a.m.

MOTION BY JONES TO ADOPT. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-yea.

ITEM-335: (R-87-2463) CONTINUED TO JUNE 30, 1987 AT 2:00 P.M.

Adoption of a Resolution containing the following actions to mitigate projected noise impacts on planned residential development west of Brown Field:

- (1) Authorizing the City Manager to commence an update of the Brown Field Airport Master Plan and coordinate this update concurrently with the Update of the Otay Mesa Community Plan;
- (2) Initiating measures by the Planning Department to restrict residential development in the areas east of Dennery Canyon, pending completion and adoption of the updated Brown Field Airport Master Plan and Otay Mesa Community Plan;
- (3) Requiring avigation easements for all development on

Otay Mesa in recognition of the established aircraft activities surrounding Brown Field.

(See City Manager Reports CMR-87-192 and CMR-86-599. Otay Mesa Community Area. District-8.)

COMMITTEE ACTION: Reviewed by TLU on 4/27/87. Recommendation to forward the matter of Brown Field to City Council for direction to staff. The City Manager is to respond to requests for information made by the Committee and in public testimony regarding future and existing land use impacts. Districts 1, 4, 6, 7 and 8 voted yea.

CITY MANAGER REPORT: The matter of Brown Field Noise came before the City Council's Transportation and Land Use Committee on April 27, 1987. The Committee forwarded the matter to the City Council without acting on the recommendations of the City Manager and Planning Director.

FILE LOCATION: LAND Otay Mesa Community Plan

COUNCIL ACTION: (Tape location: D089-105.)

Hearing began at 2:17 p.m. and halted at 2:19 p.m.

No testimony was given.

MOTION BY BALLESTEROS TO CONTINUE TO JUNE 30, 1987 AT 2:00 P.M., AT HER REQUEST, TO ALLOW TIME FOR FURTHER INFORMATION REGARDING THE NEEDS OF INDUSTRIAL USERS AND RESIDENTIAL PROPERTY OWNERS.

Second by McCarty. Passed by the following vote:

Wolfsheimer-yea, Cleator-not present McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-336: REPORT ACCEPTED

(Continued from the meeting of May 26, 1987, Item 201, at the City Manager's request, to correspond with the next regular meeting of the Redevelopment Agency.)

The matter of the Annual Meeting of the member of the Centre City Development Corporation (CCDC).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D106-124.)

MOTION BY STRUIKSMA TO ACCEPT THE REPORT. Second by McColl.

Passed by the following vote: Wolfsheimer-yea, Cleator-not present, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-yea, Mayor O'Connor-yea.

ITEM-S500: (R-87-1323 Rev.1) NOTE AND FILE

(Continued from the meetings of January 13, 1987, Item 330; trailed from the meeting of March 9, 1987, Item 203;

continued from the meetings of March 10, 1987, and April 6, 1987, Item 201; and June 1, 1987, Item 205; last continued at Mayor O'Connor's request, to allow her to be present.) Adoption of a Resolution approving a Memorandum of Understanding between the City of San Diego and the San Diego Unified School District regarding procedures for surplus school sites pursuant to Education Code Section 39390 et seq., and a planning process for surplus school sites.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C140-290.)

Hearing began 11:53 a.m. and halted 12:09 p.m.

Council Member Jones left 11:55 a.m.

Council Member Wolfsheimer left 12:08 p.m.

MOTION BY McCARTY TO NOTE AND FILE. Second by Gotch. Passed by the following vote: Wolfsheimer-not present, Cleator-not present, McColl-yea, Jones-not present, Struiksma-yea, Gotch-yea, McCarty-yea, Ballesteros-not present, Mayor O'Connor-yea.

ITEM-S501: RECOGNIZED AND WELCOMED BY COUNCIL

Recognizing the reigning Miss California and the 1987 Miss California contestants currently in San Diego for the Miss California Pageant which is being held at the San Diego Civic Theater on June 15, 1987.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D046-088.)

NON-DOCKET ITEMS:

None.

PUBLIC COMMENT:

None.

ITEM-CS-1: (R-87-2516) ADOPTED AS RESOLUTION R-268557

Authorizing the City Manager to pay the sum of \$500,000 in the settlement of Superior Court Case No. 509029, Donald Yeckel, et al. v. City of San Diego, et al., and each and every claim against The City of San Diego, its agents and employees resulting from property damage to the real property at 1616 Nautilus Street, San Diego, CA, and

personal injury to Donald and Jeanette Yeckel, authorizing the City Auditor and Comptroller to issue one check in the amount of \$500,000, made payable to Donald G. Yeckel and Jeanette Y. Yeckel and their attorney of record Richard J. Elliott, 1320 Columbia Street, San Diego, CA 92101, in full settlement of all claims.

FILE LOCATION: MEET

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 2:20 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D131).